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PATENT  
ATTORNEY DOCKET NO.: JHU1530-3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Worley, et al. Art Unit: 1644  
Application No.: 09/245,277 Examiner: K. Clemens  
Filed: February 5, 1999  
Title: IMMEDIATE EARLY GENES AND METHODS OF USE THEREFOR

BOX DAC  
Commissioner for Patents  
Washington, D.C. 20231

TRANSMITTAL SHEET

Sir:

Transmitted herewith for the above-identified application please find:

1. Petition Under 37 § 1.37(b) for Revival of an Unintentionally Abandoned Application;
2. Response to Office Action mailed October 2, 2000;
3. Statement Under 37 C.F.R. § 1.137(b);
4. Copy of Notice of Abandonment;
5. Check No. 476826 in the amount of \$620.00; and
6. Return Receipt Postcard.

RECEIVED

MAY 15 2001

OFFICE OF PETITIONS

CERTIFICATION UNDER 37 CFR §1.8	
I hereby certify that the documents referred to as enclosed herein are being deposited with the United States Postal Service as first class mail on this date, <b>May 9, 2001</b> , in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231.	
<b>Cecilia Tobin</b> (Name of Person Mailing Paper)	
<i>Cecilia Tobin</i> (Signature)	<b>May 9, 2001</b> (Date)

In re Application of:  
Worley, et al.  
Application No.: 09/245,277  
Filed: February 5, 1999  
Page 2

PATENT  
Attorney Docket No.: JHU1530-3

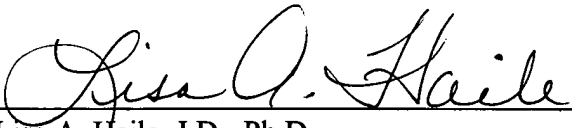
The Fee for this Response is calculated as follows:

For	Claims Remaining After Amendment	Highest Number Previously Paid For	Extra Claims	Large Entity Rate	Small Entity Rate	Calculations
Total Claims	33	43	0	x \$18	x \$09	\$ .00
Independent Claims	11	14	0	x \$80	x \$40	\$ .00
Multiple Dependent Claims				\$260	\$130	\$ .00
Basic Filing Fee				\$710	\$355	\$ .00
					TOTAL FEE	\$ .00

Enclosed is Check No. 476826 in the amount of \$620.00 for the fee to file the  
Petition to Revive an Unintentionally Abandoned Application. The Commissioner is hereby authorized to  
charge any other fees associated herewith, or credit any overpayment, to Deposit Account No. 50-1355.  
A duplicate copy of this Transmittal Sheet is enclosed.

Respectfully submitted,

Date: May 9, 2001

  
\_\_\_\_\_  
Lisa A. Haile, J.D., Ph.D.  
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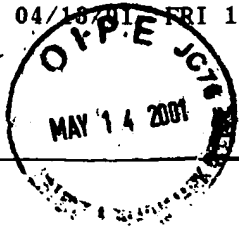
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JH1530-3

**Notice of Abandonment**

Application No.

09/245,277

Examiner

Karen Clemens

Applicant(s)

WORLEY ET AL.

Art Unit

1844

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 02 October 2000.
  - (a) ☐ A reply was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
  - (b) ☐ A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.  
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
  - (c) ☒ N reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
  - (a) ☐ The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance.
  - (b) ☐ The submitted fee of \$\_\_\_\_\_ is insufficient. A balance of \$\_\_\_\_\_ is due.  
The issue fee required by 37 CFR 1.18 is \$\_\_\_\_\_. The publication fee, if required by 37 CFR 1.18(d), is \$\_\_\_\_\_.
  - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file new formal drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
  - (a) ☐ Proposed new formal drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.
  - (b) ☐ The proposed new formal drawings filed on \_\_\_\_\_ are not acceptable and the period for reply has expired.
  - (c) ☐ No proposed new formal drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

**RECEIVED****MAY 15 2001****OFFICE OF PETITIONS**